



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: Employment Security Department

☒ **Permanent Rule**
☐ **Emergency Rule**

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: To amend rules to comply with the provisions of Chapter 4, Laws of 2003, 2nd Special Session (2ESB 6097). The substantive changes in the law made it necessary to modify the rules related to an individual's eligibility for unemployment benefits, job search requirements, the job search monitoring program, penalties, overpayments, and the calculation of maximum benefits. Additional rules are adopted to define new eligibility terms contained in the legislation.

Citation of existing rules affected by this order:

Repealed: See attached list.

Amended: See attached list.

Suspended:

Statutory authority for adoption: RCW 50.12.010, RCW 50.12.040, RCW 50.12.042

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-10-114 on May 5, 2004 (date).

Describe any changes other than editing from proposed to adopted version: WAC 192-150-140(3)(c) was rephrased to add language referring to the reasonably prudent person standard. A sentence was added to WAC 192-150-150 clarifying that an individual is not considered to have accepted changes in working conditions if he or she continues to work while pursuing established grievance or arbitration procedures. WAC 192-180-015(4) was modified to require claimants to retain job search logs for 30, as opposed to 60, days after receiving their final payment.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: December 3, 2004

NAME (TYPE OR PRINT)

Dr. Sylvia P. Mundy

SIGNATURE

TITLE

Commissioner

CODE REVISER USE ONLY

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	<u>41</u>	Amended	<u>18</u>	Repealed	<u>17</u>

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	<u>41</u>	Amended	<u>18</u>	Repealed	<u>17</u>